

LEGISLATIVE BILL 93

Approved by the Governor June 4, 2013

Introduced by Dubas, 34; Janssen, 15.

FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-479, 60-484, and 60-4,117, Revised Statutes Cumulative Supplement, 2012; to provide for the notation of a person's status as a veteran on operators' licenses and state identification cards; to change application provisions; to provide for a registry of veterans; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 60-462, Revised Statutes Cumulative Supplement, 2012, is amended to read:

60-462 Sections 60-462 to 60-4,188 and section 4 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.

Sec. 2. Section 60-479, Revised Statutes Cumulative Supplement, 2012, is amended to read:

60-479 Sections 60-479.01 to 60-4,111.01 and 60-4,182 to 60-4,188 and section 4 of this act shall apply to any operator's license subject to the Motor Vehicle Operator's License Act.

Sec. 3. Section 60-484, Revised Statutes Cumulative Supplement, 2012, is amended to read:

60-484 (1)(a) This subsection applies until the implementation date designated by the director on or before January 1, 2014. Except as otherwise provided in the Motor Vehicle Operator's License Act, no resident of the State of Nebraska shall operate a motor vehicle upon the alleys or highways of this state until the person has obtained an operator's license for that purpose.

(b) Application for an operator's license or a state identification card shall be made in a manner prescribed by the department. Such application may be made to department personnel in any county. Department personnel shall conduct the examination of the applicant and deliver to each successful applicant an issuance certificate containing the statements made pursuant to subdivision (c) of this subsection.

(c) The applicant (i) shall provide his or her full legal name, date of birth, mailing address, gender, race or ethnicity, and social security number, two forms of proof of address of his or her principal residence unless the applicant is a program participant under the Address Confidentiality Act, evidence of identity as required by subdivision (1)(f) of this subsection, and a brief physical description of himself or herself, (ii) may complete the voter registration portion pursuant to section 32-308, (iii) shall be provided the advisement language required by subsection (5) of section 60-6,197, (iv) shall answer the following:

(A) Have you within the last three months (e.g. due to diabetes, epilepsy, mental illness, head injury, stroke, heart condition, neurological disease, etc.):

- (I) lost voluntary control or consciousness ... yes ... no
- (II) experienced vertigo or multiple episodes of dizziness or fainting ... yes ... no
- (III) experienced disorientation ... yes ... no
- (IV) experienced seizures ... yes ... no
- (V) experienced impairment of memory, memory loss ... yes ... no

Please explain: .....

(B) Do you experience any condition which affects your ability to operate a motor vehicle? (e.g. due to loss of, or impairment of, foot, leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ... no

Please explain: .....

(C) Since the issuance of your last driver's license/permit, has your health or medical condition changed or worsened? ... yes ... no

Please explain, including how the above affects your ability to drive: ....., and (v) may answer the following:

(A) Do you wish to register to vote as part of this application process?

(B) Do you wish to have the word "veteran" displayed on the front of your operator's license or state identification card to show that you served in the armed forces of the United States? (To be eligible you must register with the Nebraska Department of Veterans' Affairs registry.)

OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING QUESTIONS:

~~(B)~~ (C) Do you wish to be an organ and tissue donor?

~~(C)~~ (D) Do you wish to receive any additional specific information regarding organ and tissue donation and the Donor Registry of Nebraska?

~~(D)~~ (E) Do you wish to donate \$1 to promote the Organ and Tissue Donor Awareness and Education Fund?

(d) Application for an operator's license or state identification card shall include a signed oath, affirmation, or declaration of the applicant that the information provided on the application for the license or card is true and correct.

(e) The social security number shall not be printed on the operator's license or state identification card and shall be used only (i) to furnish information to the United States Selective Service System under section 60-483, (ii) with the permission of the director in connection with the verification of the status of an individual's driving record in this state or any other state, (iii) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06, (iv) to furnish information regarding an applicant for or holder of a commercial driver's license with a hazardous materials endorsement to the Transportation Security Administration of the United States Department of Homeland Security or its agent, or (v) to furnish information to the Department of Revenue under section 77-362.02.

(f)(i) Each individual applying for an operator's license or a state identification card shall furnish proof of date of birth and identity with documents containing a photograph or with nonphoto identity documents which include his or her full legal name and date of birth. Such documents shall include, but not be limited to, any valid Nebraska operator's license or Nebraska state identification card, a valid operator's license or identification card from another state or jurisdiction of the United States, a certified birth certificate, a valid United States passport, or any other United States-based identification as approved by the director.

(ii) Any individual under the age of eighteen years applying for an operator's license or a state identification card shall provide a certified copy of his or her birth certificate or, if such individual is unable to provide a certified copy of his or her birth certificate, other reliable proof of his or her identity and age, as required in subdivision (1)(f)(i) of this section, accompanied by a certification signed by a parent or guardian explaining the inability to produce a copy of such birth certificate. The applicant also may be required to furnish proof to department personnel that the parent or guardian signing the certification is in fact the parent or guardian of such applicant.

(iii) An applicant may present other documents as proof of identification and age designated by the director. Any documents accepted shall be recorded according to a written exceptions process established by the director.

(g) Any individual applying for an operator's license or a state identification card who indicated his or her wish to have the word "veteran" displayed on the front of such license or card shall comply with section 4 of this act.

(2)(a) This subsection applies beginning on an implementation date designated by the director on or before January 1, 2014. Except as otherwise provided in the Motor Vehicle Operator's License Act, no resident of the State of Nebraska shall operate a motor vehicle upon the alleys or highways of this state until the person has obtained an operator's license for that purpose.

(b) Application for an operator's license or a state identification card shall be made in a manner prescribed by the department. Such application may be made to department personnel in any county. Department personnel shall conduct the examination of the applicant and deliver to each successful applicant an issuance certificate containing the statements made pursuant to subdivision (c) of this subsection.

(c) The applicant shall provide his or her full legal name, date of birth, mailing address, gender, race or ethnicity, and social security number, two forms of proof of address of his or her principal residence unless the applicant is a program participant under the Address Confidentiality Act, evidence of identity as required by subdivision (2)(f) of this subsection, and a brief physical description of himself or herself. The applicant (i) may also complete the voter registration portion pursuant to section 32-308, (ii) shall be provided the advisement language required by subsection (5) of section 60-6,197, (iii) shall answer the following:

(A) Have you within the last three months (e.g. due to diabetes, epilepsy, mental illness, head injury, stroke, heart condition, neurological disease, etc.):

(I) lost voluntary control or consciousness ... yes ... no

(II) experienced vertigo or multiple episodes of dizziness or

fainting ... yes ... no

(III) experienced disorientation ... yes ... no

(IV) experienced seizures ... yes ... no

(V) experienced impairment of memory, memory loss ... yes ... no

Please explain: .....

(B) Do you experience any condition which affects your ability to operate a motor vehicle? (e.g. due to loss of, or impairment of, foot, leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ... no

Please explain: .....

(C) Since the issuance of your last driver's license/permit, has your health or medical condition changed or worsened? ... yes ... no

Please explain, including how the above affects your ability to drive: ....., and (iv) may answer the following:

(A) Do you wish to register to vote as part of this application process?

(B) Do you wish to have the word "veteran" displayed on the front of your operator's license or state identification card to show that you served in the armed forces of the United States? (To be eligible you must register with the Nebraska Department of Veterans' Affairs registry.)

OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING QUESTIONS:

~~(B)~~ (C) Do you wish to be an organ and tissue donor?

~~(C)~~ (D) Do you wish to receive any additional specific information regarding organ and tissue donation and the Donor Registry of Nebraska?

~~(D)~~ (E) Do you wish to donate \$1 to promote the Organ and Tissue Donor Awareness and Education Fund?

(d) Application for an operator's license or state identification card shall include a signed oath, affirmation, or declaration of the applicant that the information provided on the application for the license or card is true and correct.

(e) The social security number shall not be printed on the operator's license or state identification card and shall be used only (i) to furnish information to the United States Selective Service System under section 60-483, (ii) with the permission of the director in connection with the verification of the status of an individual's driving record in this state or any other state, (iii) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06, (iv) to furnish information regarding an applicant for or holder of a commercial driver's license with a hazardous materials endorsement to the Transportation Security Administration of the United States Department of Homeland Security or its agent, or (v) to furnish information to the Department of Revenue under section 77-362.02.

(f) (i) Each individual applying for an operator's license or a state identification card shall furnish proof of date of birth and identity with documents containing a photograph or with nonphoto identity documents which include his or her full legal name and date of birth. Such documents shall be those provided in subsection (2) of section 60-484.04.

(ii) Any individual under the age of eighteen years applying for an operator's license or a state identification card shall provide a certified copy of his or her birth certificate or, if such individual is unable to provide a certified copy of his or her birth certificate, other reliable proof of his or her identity and age, as required in subdivision (2)(f)(i) of this section, accompanied by a certification signed by a parent or guardian explaining the inability to produce a copy of such birth certificate. The applicant also may be required to furnish proof to department personnel that the parent or guardian signing the certification is in fact the parent or guardian of such applicant.

(iii) An applicant may present other documents as proof of identification and age designated by the director. Any documents accepted shall be recorded according to a written exceptions process established by the director.

(g) Any individual applying for an operator's license or a state identification card who indicated his or her wish to have the word "veteran" displayed on the front of such license or card shall comply with section 4 of this act.

~~(g)~~ (h) No person shall be a holder of an operator's license and a state identification card at the same time.

Sec. 4. (1) An operator's license or a state identification card shall include a notation of the word "veteran" on the front of the license or card as directed by the department if the individual applying for such license or card is eligible for the license or card and (a) has served on active duty in the armed forces of the United States, other than active duty for training, and was discharged or otherwise separated with a characterization

of honorable or general (under honorable conditions) from such service, (b) registers with the Department of Veterans' Affairs pursuant to section 6 of this act as verification of such service, and (c) indicates on the application under section 60-484 his or her wish to include such notation on his or her license or card.

(2) The Department of Motor Vehicles shall consult the registry established pursuant to section 6 of this act before placing the notation of the word "veteran" on the operator's license or state identification card issued to the applicant. Such notation shall not be authorized unless the registry verifies the applicant's eligibility. If the Director of Motor Vehicles discovers evidence of fraud in an application under this section, the director may summarily cancel the license or state identification card and send notice of the cancellation to the licensee or cardholder. If the Department of Motor Vehicles has information that an individual is no longer eligible for the notation, the department may summarily cancel the license and send notice of the cancellation to the licensee or cardholder. The notation shall not be restored until the Department of Motor Vehicles subsequently verifies the applicant's eligibility by consulting the registry of the Department of Veterans' Affairs.

(3) The notation authorized in subsection (1) of this section shall continue to be included on the license or card upon renewal of such license or card if the licensee or cardholder, at the time of renewal, indicates the desire to include the notation.

(4) An individual may obtain a replacement operator's license or state identification card to add or remove the notation authorized in subsection (1) of this section by applying to the Department of Motor Vehicles for such replacement license or card and, if adding the notation, by meeting the requirements of subsection (1) of this section. The fee for such replacement license or card shall be the fee provided in section 60-4,115.

Sec. 5. Section 60-4,117, Revised Statutes Cumulative Supplement, 2012, is amended to read:

60-4,117 (1) Upon presentation of an issuance certificate for an operator's license or state identification card issued by department personnel to the applicant, the county treasurer shall collect the applicable fee and surcharge as prescribed in section 60-4,115 and issue a receipt which is valid for up to thirty days. If there is cause for an operator's license to be issued, the receipt shall also authorize driving privileges for such thirty-day period. The license or card shall be delivered as provided in section 60-4,113.

(2) The operator's license and state identification card shall be in a form prescribed by the department. The license and card may include security features prescribed by the department. The license and card shall be conspicuously marked Nebraska Operator's License or Nebraska Identification Card, shall be, to the maximum extent practicable, tamper and forgery proof, and shall include the following information:

(a) The full legal name and principal residence address of the holder;

(b) The holder's full facial digital image;

(c) A physical description of the holder, including gender, height, weight, and eye and hair colors;

(d) The holder's date of birth;

(e) The holder's signature;

(f) The class of motor vehicle which the holder is authorized to operate and any applicable endorsements or restrictions;

(g) The issuance and expiration date of the license or card;

(h) The organ and tissue donation information specified in section 60-494; and

(i) A notation of the word "veteran" as provided in section 4 of this act; and

~~(i)~~ (j) Such other marks and information as the director may determine.

(3) Each operator's license and state identification card shall contain the following encoded, machine-readable information: The holder's full legal name; date of birth; gender; race or ethnicity; document issue date; document expiration date; principal residence address; unique identification number; revision date; inventory control number; and state of issuance.

Sec. 6. (1) The Department of Veterans' Affairs shall create and maintain a registry of residents of Nebraska who meet the requirements of subsection (1) of section 4 of this act. The Department of Veterans' Affairs may adopt and promulgate rules and regulations governing the establishment and maintenance of the registry. The registry may be used to assist the department in carrying out the duties of the department and shall provide for the

collection of sufficient information to identify an individual who qualifies for a notation of "veteran" on his or her operator's license or state identification card issued by the Department of Motor Vehicles. The registry may include information such as identifying information on an individual, an individual's records on active duty in the armed forces of the United States, or an individual's status of active duty, retired, discharged, or other.

(2) Any resident of Nebraska who meets the requirements of subsection (1) of section 4 of this act shall register with the Department of Veterans' Affairs using the registry created by this section before being eligible for a notation of "veteran" on his or her operator's license or state identification card issued by the Department of Motor Vehicles. No person shall be deemed eligible until his or her status has been verified on the registry.

(3) The Department of Motor Vehicles may adopt and promulgate rules and regulations governing use of the registry of the Department of Veterans' Affairs for determination of eligibility for the notation of "veteran" on operators' licenses and state identification cards.

Sec. 7. Sections 1, 2, 3, 4, 5, and 8 of this act become operative on July 1, 2014. The other sections of this act become operative on their effective date.

Sec. 8. Original sections 60-462, 60-479, 60-484, and 60-4,117, Revised Statutes Cumulative Supplement, 2012, are repealed.